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GENENTECH, INC.  
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In re Application of :  
AGGARWAL et al. :  
Application No.: 10/533,069 : DECISION  
PCT No.: PCT/US03/34381 :  
Int. Filing Date: 28 October 2003 :  
Priority Date: 29 October 2002 :  
Attorney Docket No.: P1982R1 :  
For: COMPOSITIONS AND METHODS FOR THE :  
TREATMENT OF IMMUNE RELATED DISEASES :

This is a decision on applicants' "RENEWED PETITION UNDER 37 CFR 1.47(a)" filed 03 January 2007 in the United States Patent and Trademark Office (USPTO). The petition is **DISMISSED** as **MOOT**.

**BACKGROUND**

On 28 October 2003, applicants filed international application PCT/US03/34381, which designated the United States and claimed a priority date of 29 October 2002. A copy of the international application was communicated from the International Bureau to the USPTO on 13 May 2004. The thirty-month period for paying the basic national fee in the United States expired at midnight on 29 April 2005.

On 28 April 2005, applicants filed a submission for entry into the national stage in the United States which was accompanied by, *inter alia*, the U.S. Basic National Fee.

On 03 January 2006, the United States Designated/Elected Office (DO/EO/US) mailed a NOTIFICATION OF MISSING REQUIREMENTS UNDER 35 U.S.C. 371 (Form PCT/DO/EO/905) indicating, *inter alia*, that an oath or declaration of the inventors in compliance with 37 CFR 1.497(a)-(b) and the surcharge under 37 CFR 1.492(h) for filing any of the search fee, the examination fee, or the oath or declaration after the date of the commencement of the national stage were required.

On 03 April 2006, applicants filed a petition under 37 CFR 1.47(a) which was accompanied by, *inter alia*, a declaration of inventors, a declaration in support of the 37 CFR 1.47(a) petition by Barbara Hebert, copies of two letters sent to the non-signing inventor

Sudeepa Aggarwal by David A. Carpenter, a copy of a letter to Barbara Hebert from FedEx Express for details regarding a package shipped February 14, 2006, and a copy of a FedEx Track Shipments Detailed Results for a package shipped March 16, 2006.

On 13 September 2006, a decision was mailed dismissing applicants' petition under 37 CFR 1.47(a).

On 03 January 2007, applicants submitted the instant "RENEWED PETITION UNDER 37 CFR 1.47(a)" which was accompanied by several declarations of inventors including a declaration signed by previously non-signing inventor Sudeepa Aggarwal.

#### DISCUSSION

Since a 37 CFR 1.497 declaration has been executed by all the joint inventors, the petition for status under 37 CFR 1.47(a) is moot. The application need not be returned to the Office of PCT Legal Affairs for any further consideration of the status under 37 CFR 1.47 and no such status should be indicated on this application file.

The declarations of inventors filed 03 January 2007 are in compliance with 37 CFR 1.497(a)-(b).

#### CONCLUSION

For the above reasons, applicants' petition under 37 CFR 1.47(a) is **DISMISSED** as **MOOT**.

This application is being forwarded to the National Stage Processing Branch of the Office of PCT Operations to continue national stage processing of the application.



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